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the jury commission, of the grand jury, or of the petit jury. *Hanna v. State*, 105 S. W. 793 (Tex.); *Lewis v. State*, 45 So. 360 (Miss.). The general law is well stated in *Dixon v. State*, 74 Miss. 271; *Gibson v. State*, 162 U. S. 565.

CONSTITUTIONAL LAW—PRIVACY—PICTURES.—*FOSTER-MILBURN CO. v. CHINN*, 120 S. W. 364 (Ky.).—*Held*, that a person is entitled to the right of privacy as to his picture, and that the publication of the picture of a person without his consent as a part of exploiting the publisher's business, is a violation of the right of privacy, and entitles him to recover without proof of special damages.

The right of privacy prior to 1890 was practically unknown to the common law in this country. 4 *Harvard Law Review*, 193. The older decisions in this respect being based upon property or contractual rights. *Abernethy v. Hutchinson*, 3 L. J. 209; *Prince Albert v. Strange*, 1 McN. & G. 24. On the right of privacy independent of property or contractual rights, the modern decisions are in conflict. 1 *Cooley on Torts*, 365 (3rd). In a suit to restrain the unauthorized publication of a photograph, the New York courts decided against this right. *Robertson v. Rochester Folding Box Co.*, 171 N. Y. 538. A contrary rule prevails, however, in some jurisdictions, where the courts give relief as a purely personal right. *Edison v. Edison Polyfom Mfg. Co.*, 67 Atl. 392 (N. J.); see also 18 *Yale Law Journal*, 127. However, when a private individual becomes a public character, he waives all right to privacy. *Corliss v. Walker*, 64 Fed. 280. The right when it does exist is purely personal. *Murray v. Lithographic Co.*, 28 N. Y. Supp. 271.

CORPORATIONS—POWER TO PURCHASE THEIR OWN STOCK.—*MOSES v. SOULE*, 118 N. Y. SUPP. 410.—*Held*, that a provision in incorporation articles or by-laws which prohibits a stockholder from selling his stock without first giving the corporation and other stockholders opportunity to purchase, is not against public policy.

Unless the charter or governing statute limits specified cases, as in *State v. Ferguson*, 33 N. H. 424, every corporation by the principle of common law possesses the inherent power to make by-laws, although such power may not be expressly conferred in its charter, or in the statute of its creation. *People v. Erie Co. Medical Soc.*, 24 Barb. 570 (N. Y.). However, the prevailing doctrine is that a by-law prohibiting the alienation of stock, or putting restrictions thereon is void as being in restraint of trade and against public policy. *Taylor v. Edson*, 58 Mass. 522; *Brightwell v. Mallory*, 18 Tenn. 196; *Board of Com'rs of Tippecanoe Co. v. Reynolds*, 44 Ind. 509. Even if the restriction is indorsed on the certificate of stock. *Herring v. Ruskin Co. Op. Ass'n*, 53 S. W. 327 (Tenn.). And in New York, section two of the *General Corporation Law* authorizing a corporation to make by-laws for the transfer of its stock, does not empower it to limit the unconditional right of transferring the stock. *Kinnan v. Sullivan Country Club*, 50 N. Y. Supp. 95. But a by-law adopted by a corporation, forbidding the transfer of stock so long as the owner is in-

debted to the corporation is valid, although inconsistent with the general law of the state governing the transfer of property. *Farmer's Bank v. Wasson*, 48 Iowa 336; *Mechanics Bank v. Merchants Bank*, 45 Mo. 513.

CORPORATIONS—ACTIONS BY RECEIVERS—SET OFF.—COURTRIGHT ET AL. v. VREELAND, 117 N. Y. SUPP. 952.—*Held*, that where receivers of a corporation appointed in Pennsylvania sued in New York on an undertaking of defendant and another to pay damages sustained by the corporation from an attachment, alleging the assignment of the claim to them by the corporation, defendant could set off a judgment obtained in New York against the corporation, assigned to defendant before the assignment of the claim sued on to plaintiffs, but after their appointment as receivers.

On the appointment of receivers for an insolvent corporation, the rights of the corporation and its creditors who are under the jurisdiction of the appointing court become fixed. *Colt v. Brown*, 12 Gray (Mass.) 233. Accordingly, claims against the corporation which are assigned to debtors of the corporation after the appointment of receivers cannot be advanced by way of set off. *Ogden v. Cowley*, 2 Johns. (N. Y.) 273; *Long v. Penn. Ins. Co.*, 6 Pa. St. 421. If the debtor to be pursued must be sued in another jurisdiction, however, the case is different. It is well established that in the absence of statute, the debtor of an insolvent corporation may set off claims of his against the corporation which have accrued to him personally before the appointment of the receivers. *Wheaton v. Daily Telegraph Co.*, 124 Fed. 61; *Mix v. Ellis*, 118 Ga. 345. So, although states, by comity, often do recognize the appointment of receivers in other jurisdictions, they generally will not recognize such appointment when by doing so they would interfere with the rights of local creditors. *Booth v. Clark*, 17 How. (U. S.) 331; *Blake v. Williams*, 6 Pick. 285.

MUNICIPAL CORPORATIONS—OFFICERS—COMPENSATION—PAYMENT TO OFFICER DE FACTO.—STEARNS V. SIMS, 104 PAC. 44 (OKLA.).—*Held*, that where a *de jure* chief of police of a city is pending suit on charges against him in the district court, wrongfully suspended by order of the judge thereof at chambers, which said order is later set aside and said suit dismissed, and where said city pays a substitute chief of police *de facto*, during his incumbency, the salary provided by law, the original officer *de jure* after obtaining possession of the office cannot recover from the city the salary for the same period.

The preponderance of authority is with the above case and holds that a *de jure* officer cannot recover salary from a municipal corporation, which has been paid to a *de facto* official for services rendered during suspension of the officer *de jure*. *Chicago v. Luthardt*, 191 Ill. 516; *Newark v. McDonald*, 58 N. J. L. 12; *Seifen v. Racine*, 129 Wis. 343. In *Westberg v. Kansas City*, 64 Mo. 493, the court holds that whether removed or suspended the *de jure* officer was not entitled to recover his salary or any part thereof from date of suspension. On the other hand, numerous jurisdictions hold that *de jure* officers can recover their compensation from the